

CHAPTER 121—DOCUMENTATION OF VESSELS

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SUBCHAPTER I—GENERAL

SECTION 12101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12101(a)	46:12101(a)(2). 46 App.:883 (2d proviso related to meaning of “rebuilt”).	June 5, 1920, ch. 250, § 27 (2d proviso related to meaning of “rebuilt”), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86–583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100–239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782.
12101(b)	46:12101(b).	

In subsection (a), the words “its territories” and “or its possessions” are omitted because of the definition of “United States” in

chapter 1 of the revised title. The words “(not including trust territories)” are omitted because the Trust Territory of the Pacific Islands has terminated. See 48 U.S.C. 1681 note prec.

SECTION 12102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12102(a)	46:12106(b). 46:12108(b). 46:12110(a).	
12102(b)	46:12102(a) (related to tonnage).	
12102(c)	46:12110(b).	

SECTION 12103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12103(a)	46:12102(a) (less owner- ship), (b) (1st sen- tence).	
12103(b)	46:12102(a) (related to ownership)	
12103(c)	46:12102(b) (last sen- tence).	

SECTION 12104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12104(a)	46:12103(a) (related to filing by owner), (b)(1).	
12104(b)	46:12103(b)(2).	

SECTION 12105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12105(a)	46:12103(a) (less filing by owner).	
12105(b)	46:12103a.	
12105(c)	46:12103(c).	
12105(d)	46:12103(d).	

In subsection (b), the words “eligible under” are substituted for “if the applicant for the certificate of documentation meets the requirements set out in” for consistency in the chapter and to eliminate unnecessary words.

SECTION 12106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12106	46:12124	

SECTION 12107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12107	46 App.:14 (words before last proviso).	R.S. § 4136 (words before last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103-182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

The words “The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement” and “when purchased by a citizen or citizens of the United States” are omitted as unnecessary because section 12112, as revised by the bill, provides the requirements for a wrecked vessel to obtain a coastwise endorsement.

In subsection (c)(1), the words “or her possessions” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

SECTION 12111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12111(a)	46:12105(a).	
12111(b)	46:12105(b).	
12111(c)	46:12102(d).	

See section 12(b)(1) of the bill for an amendment to subsection (c)(3) of this section.

SECTION 12112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12112(a)	46:12106(a).	
12112(b)	46:12106(b).	

In subsection (b), the word “only” is omitted because section 12102(a), as revised by the bill, contains a general requirement for appropriate documentation to engage in any trade.

SECTION 12113

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12113(a)	46:12108(a).	
12113(b)(1)	46:12108(b).	
12113(b)(2)	46:12102(c)(3).	
12113(c)(1)	46:12102(c)(1).	
12113(c)(2)	46:12102(c)(2).	
12113(c)(3)	46:12102(c)(4).	
12113(d)	46:12102(c)(5).	
12113(e)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(c), Oct. 21, 1998, 112 Stat. 2681-619.
12113(f)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(d), Oct. 21, 1998, 112 Stat. 2681-619.
12113(g)	46:12108(d).	
12113(h)	46:12102 note.	Pub. L. 105-277, div. C, title II, § 203(e), Oct. 21, 1998, 112 Stat. 2681-619.

SECTION 12113—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12113(i)	46:12102 note.	Pub. L. 105–277, div. C, title II, § 203(b), Oct. 21, 1998, 112 Stat. 2681–619.

In subsection (b)(1), the word “only” is omitted because section 12102(a), as revised by the bill, contains a general requirement for appropriate documentation to engage in any trade.

In subsection (c)(1), the word “entity” is substituted for “corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity” to eliminate unnecessary words.

In subsection (e)(3), the words “After October 1, 2001” are omitted as obsolete.

In subsection (i), the first two sentences of section 203(b) of Public Law 105–277 are omitted as obsolete.

SECTION 12114

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12114(a)	46:12109(a).	
12114(b)	46:12109(c).	
	46:12110(c).	
12114(c)	46:12109(b).	

In subsection (c), the words “Secretary of Homeland Security” are substituted for “Customs Service” because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178).

SECTION 12115

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12115(a)	46:12112(a).	
12115(b)	46:12112(b) (1st sentence).	
12115(c)	46:12112(c).	
12115(d)	46:12112(b) (last sentence).	

SECTION 12116

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12116	46:12106(c). 46:12108(c).	

SECTION 12117

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12117	46:12106(d).	

SECTION 12118

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12118(a)(1)	46 App.:883-1 (1st par. words through cl. (e) less citizenship, 4th par. 1st sentence).	June 5, 1920, ch. 250, § 27A, as added Pub. L. 85-902, Sept. 2, 1958, 72 Stat. 1736; Pub. L. 104-88, title III, § 321(2), Dec. 29, 1995, 109 Stat. 950; Pub. L. 104-324, title VII, § 706, Oct. 19, 1996, 110 Stat. 3934.
12118(a)(2), (3)	46 App.:883-1 (2d par., 4th par. 2d sentence).	
12118(b)	46 App.:883-1 (1st par. related to citizenship).	
12118(c)	46 App.:883-1 (3d par. words before 5th comma).	
12118(d)(1)	46 App.:883-1 (3d par. words after 5th comma).	
12118(d)(2)	46 App.:883-1 (1st par. words after cl. (e)).	
12118(e)	46 App.:883-1 (last par.).	
12118(f)	46 App.:883-1 (4th par. 3d-6th sentences).	

In this section, the word “Secretary” is substituted for “Secretary of the Treasury”, thereby incorporating the definition of “Secretary” in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135).

In subsection (a)(1), the words “seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States” are omitted as unnecessary because of the reorganization of the section.

Subsection (d)(1)(B) is substituted for “together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States” to eliminate unnecessary words.

In subsection (d)(2), the words before clause (A) are substituted for “no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except” to eliminate unnecessary words. See the definition of “United States” in chapter 1 of the revised title.

SECTION 12119

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12119(a)	46:12106(f)(4).	
12119(b)	46:12106(e)(1).	
12119(c)	46:12106(f)(1)–(3).	
12119(d)	46:12106(e)(2).	
12119(e)	46:12106(e)(3).	
12119(f)	46:12106(e)(4).	

In subsection (b), in clause (1), the words “satisfies the requirements for a coastwise endorsement, except for the ownership requirement otherwise applicable without regard to this section” are substituted for “otherwise eligible for documentation under this section” in 46 U.S.C. 12106(e)(1)(E) for clarity. Clause (A) of 46 U.S.C. 12106(e)(1) is omitted as redundant to the general requirements in revised section 12112 on coastwise endorsements.

In subsection (c)(3), the words “documented with a coastwise endorsement” are substituted for “documented under this section” because former section 12106 is being divided into multiple sections.

Subsection (e) is substituted for “(3) Upon termination by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe” for clarity and to eliminate unnecessary words.

SECTION 12120

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12120	46 App.:883 note.	Pub. L. 104–324, title VII, § 1120(f), Oct. 19, 1996, 110 Stat. 3978.

The words “Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156)” are omitted as unnecessary. The words “the Commonwealth of” are omitted as unnecessary and for consistency in the revised title.

SECTION 12121

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12121	46:12106 note.	Pub. L. 105–383, title V, §§ 502–504, Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107–295, title II, § 207(c)(2), Nov. 25, 2002, 116 Stat. 2097.

The definition of “Secretary” is omitted for consistency in the chapter.

SUBCHAPTER III—MISCELLANEOUS

SECTION 12131

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12131	46:12110(d).	

SECTION 12132

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12132	46 App.:883 (1st proviso, 2d proviso less meaning of “rebuilt”).	June 5, 1920, ch. 250, § 27 (1st proviso, 2d proviso less meaning of “rebuilt”), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86–583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100–239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 104–324, title XI, § 1120(e), Oct. 19, 1996, 110 Stat. 3978.

The definition of “rebuilt” in the second proviso is restated in section 12101.

SECTION 12133

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12133	46:12103(e). 46 App.:277.	R.S. § 4336; Aug. 5, 1935, ch. 438, title III, § 312, 49 Stat. 528; Pub. L. 85–237, § 2, Aug. 30, 1957, 71 Stat. 518; Pub. L. 103–182, title VI, § 686(a)(5), Dec. 8, 1993, 107 Stat. 2220.

This section consolidates and clarifies the requirements contained in the source provisions. The specific civil penalties are omitted as unnecessary because of the general civil penalty in section 12151(a) of the revised title. See also 19 U.S.C. 1581.

SECTION 12134

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12134	46:12104.	

SECTION 12135

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12135	46:12111(a).	

In clause (2), the words “except for a recreational endorsement” are omitted as unnecessary because a recreational endorsement does not permit a vessel to engage in a trade.

SECTION 12136

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12136(a)	46:12111(b).	
12136(b)(1)	46:12111(d)(2).	
12136(b)(2)	46:12111(c)(3).	
12136(b)(3)	46:12111(d)(1).	

SECTION 12136—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12136(c)(1)	46:12111(c)(1).	
12136(c)(2)	46:12111(c)(2).	

In subsection (a), the words “or a certificate with an invalid endorsement” are added for clarity.

SECTION 12137

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12137	46:12117.	

SECTION 12138

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12138(a)	46:12119.	
12138(b)	46:12119 note.	Pub. L. 107–295, title IV, § 403, Nov. 25, 2002, 116 Stat. 2114.

In subsection (b), the word “Secretary” is substituted for “Secretary of Transportation” for consistency in the chapter.

SECTION 12139

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12139(a)	46:12120.	
12139(b)	46 App.:883a (1st sentence).	July 14, 1956, ch. 600, § 2 (1st sentence), 70 Stat. 544; Pub. L. 86–583, § 2, July 5, 1960, 74 Stat. 321; Pub. L. 104–324, title VII, § 707, Oct. 19, 1996, 110 Stat. 3934.

In subsection (b)(1), the word “Secretary” is substituted for “Secretary of the Treasury”, thereby incorporating the definition of “Secretary” in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89–670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135). The words “rebuilt outside the United States” are substituted for “and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions” because of the definition of “rebuilt” in section 12101, and the definition of “United States” in chapter 1, of the revised title.

SUBTITLE IV—PENALTIES

SECTION 12151

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12151(a)	46:12122(a).	R.S. § 4136 (last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220. July 14, 1956, ch. 600, § 2 (2d, last sentences), 70 Stat. 544; Pub. L. 86–583, § 2, July 5, 1960, 74 Stat. 321.
12151(b)	46:12122(b).	
	46 App.:14 (last proviso).	
	46 App.:883a (2d, last sentences).	
12151(c)	46:12122(c).	

In subsection (b), in restating 46 App. U.S.C. 883a (2d, last sentences), the penalty of \$200 for the owner and master of the vessel is omitted because subsection (a) provides a general civil penalty for violation of this chapter. The authority to remit or mitigate a penalty under section 2107(b) is omitted because section 2107(b) applies to subtitle II and this section is in subtitle II.

SECTION 12152

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
12152	46:12123.	